

PROB 12D
(9/13)SWPA

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

UNITED STATES DISTRICT COURT

OCT 22 2014 ★
LONG ISLAND OFFICE

for

DISTRICT NAME

**Request for Summons and
Modification of the Conditions or Term of Supervision**

Name of Offender: James White

Case Number: 14-CR-430

Name of Sentencing Judicial Officer: Originally Sentenced by The Honorable Gary L. Sharpe, U.S.D.J;
Jurisdiction Transferred to: The Honorable Joseph F. Bianco, U.S. District Judge

Date of Original Sentence: 1/25/2010

Original Offense: : Conspiracy to Possess with Intent to Distribute and Distribution of 1.5 Kilograms of Cocaine, in violation of 21 U.S.C. 846, 841 (a)(1) and (b)(1)(B).

Original Sentence: 60 months custody; 4 years TSR. Special conditions: 1) the defendant shall provide full financial disclosure to the probation officer; 2) the defendant shall participate in a program for substance abuse which shall include testing for drug and/or alcohol use and may include inpatient and/or outpatient treatment. The defendant shall contribute to the cost of any evaluation, testing treatment and/or monitoring services rendered in an amount to be determined by the probation officer based on the defendant's ability to pay and the availability of third party payments; 3) the defendant shall refrain from the use of alcohol while under supervision; 4) the defendant shall not associate with any member, associate, or prospect of the "Crips", or any other criminal gang, club or organization, in person, by telephone, or by any other means of interaction or communication. The defendant shall not wear or display the colors or insignia of these organizations, or obtain tattoos, scars or burn marks, including brands associated with these organizations.

Type of Supervision: TSR

Date Supervision Commenced: 9/30/2011

PETITIONING THE COURT

As the offender has agreed to waive a hearing in this matter, the probation officer requests that a modification of the conditions of supervision be ordered as follows:

For a period of 4 months, the defendant shall be confined to his/her residence, commencing on a date approved by the U.S. Probation Office. The defendant shall be required to be at his/her residence at all times except for approved absences for gainful employment, community service, religious services, medical care, educational or training programs, and at other such times as may be specifically authorized, in advance, by the U.S. Probation Office. The defendant shall wear an electronic monitoring device and follow all location monitoring procedures. The defendant shall permit the Probation Officer access to the residence at all times and maintain a telephone without any custom services at the residence. During this period, the defendant may be placed on a curfew if the U.S. Probation Office determines that this less restrictive form of location monitoring is appropriate. The defendant shall pay all the costs associated with the location monitoring services and shall disclose all financial information and documents to the Probation Department to assess his/her ability to pay.

First Name Last Name

PACTS: Client ID

Case Number: Docket

CAUSE

Reference is made to the above-mentioned offender who was sentenced in the Northern District of New York (NDNY), as indicated above. The offender's term of supervised release commenced in the Eastern District of New York (EDNY) on September 30, 2011, due to his residence therein. On June 4, 2014, NDNY requested that jurisdiction of this case be transferred to the EDNY following an arrest sustained by the offender. Specifically, on May 25, 2014, the offender was arrested by the Lynbrook Police Department and charged with Aggravated Driving While Intoxicated (DWI), a class A misdemeanor; D.W.I., a unclassified misdemeanor; Speeding, a motor vehicle infraction and Fail to Signal, a motor vehicle infraction. According to the police report, police officers observed the offender driving a black Nissan traveling in excess of the posted speed limit and failed to signal a lane change from the left to center lane of Sunrise Highway and the officers pulled the vehicle over. The officers observed the offender to have had a strong odor of alcohol, glassy, bloodshot eyes and slurred speech. The offender was arrested and released the next day on his own recognizance. The offender did notify the undersigned officer of this arrest, and the case remains pending in local court.

The offender currently resides in Queens and is employed by Hallen Construction, located in Queens, as a laborer. The offender was recently transferred into our Low Intensity Unit as he was in compliance with his conditions of supervision. He has since been transferred back to a general caseload and referred to a substance abuse treatment program.

We would also respectfully request that the Court modify the offender's conditions to include 4 months of home confinement as a sanction for his violative conduct. The offender has agreed to same, per the attached Probation Form 49, waiver of hearing to modify conditions of release.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 15, 2014

Elizabeth Weiburg, Jr.

U.S. Probation Officer

Approved by,

Kathleen Kearns
Kathleen Kearns

Supervising U.S. Probation Officer

Date: 9/15/2014

THE COURT ORDERS that this document be filed under permanent seal as it contains treatment information and that the probation department:

- ☐ No Action.
☐ The issuance of a summons.
☒ Other:

Conditions of supervised release are modified to add the above-referenced special condition. All of the other previously imposed standard and special conditions of supervised release remain in place and are continuous to apply.

10/22/14
Date